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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,518	01/23/2002	Axel Fuchs	TC00138	9588

23330 7590 10/15/2004

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EXAMINER

PHAN, HUY Q

ART UNIT PAPER NUMBER

2687

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,518

Applicant(s)

FUCHS ET AL.

Examiner

Huy Q Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-30, 35-47, 52-64 and 69-71 is/are rejected.
- 7) ☒ Claim(s) 14-17, 31-34, 48-51 and 65-68 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/23/02, 06/02/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 18-30, 35-47, 52-64 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacel (US-2003/0120395) in view of Vazvan et al. (US-6,400,946).

Regarding claim 1, Kacel discloses in figure 1, an integrated personal communications system (fig. 1, system 100), comprising:

a telematics device (fig. 1, telematic module 120), wherein the telematics device is coupled to a vehicle [0007], wherein the telematics device can exchange data with at least one vehicle system ([0008] and [0031]), and wherein the telematics device comprises a service providing entity [0009]; and

a remote device (fig. 1, NAD 125 and see [0030]) having a service requesting entity (fig. 1, module 130-134 and [0029]-[0030]), wherein the remote device can access the telematics device utilizing the service requesting entity to exchange data with the telematics device and the at least one vehicle system ([0031]-[0032]), wherein the remote device can access the telematics device utilizing the service requesting entity to exchange data with the service providing entity ([0031] and [0034]). Kacel further

describes that the remote device (125) enables the telematics device (120) to access one or more wireless communication networks [0030].

But, Kacel does not particularly show wherein a selection is made between a first wireless network protocol and a second wireless network protocol. However in analogous art, Vazvan et al. teach a price-quality selection which is integrated in a wireless device and the user can have the possibility of selecting the most advantageous communication in areas where there are two or more wireless networks available (col. 6, lines 26-39). Since, Kacel and Vazvan et al. are related to the method for the wireless device communicating to one or more wireless communication networks; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kacel by specifically having a selection being made between first wireless network protocol and second wireless network protocol as taught by Vazvan et al. for purpose of selecting the wireless network which provides the best quality with competitive price.

Regarding claim 21, Kacel discloses in a telematics device (fig. 1, telematic module 120), a method of integrating a personal communications system (fig. 1, system 100), comprising:

accessing the telematics device via a remote device (fig. 1, NAD 125 and see [0030]) utilizing a service requesting entity (fig. 1, module 130-134 and [0029]-[0030]), wherein the telematics device comprises a service providing entity [0009], wherein the telematics device exchanges data with at least one vehicle system ([0008] and [0031]),

and wherein the telematics device is accessed to exchange data with the at least one vehicle system ([0008] and [0031]); and

accessing the telematics device via the remote device (fig. 1, NAD 125 and see [0030]) utilizing the service requesting entity to exchange data with the service providing entity. Kacel further describes that the remote device (125) enables the telematics device (120) to access one or more wireless communication networks [0030].

But, Kacel does not particularly show selecting between a first wireless network protocol and a second wireless network protocol to access the telematics device. However, Vazvan et al. teach a price-quality selection which is integrated in a wireless device and the user can have the possibility of selecting the most advantageous communication in areas where there are two or more wireless networks available (col. 6, lines 26-39). Since, Kacel and Vazvan et al. are related to the method for the wireless device communicating to one or more wireless communication networks; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kacel by specifically having a selection being made between first wireless network protocol and second wireless network protocol as taught by Vazvan et al. for purpose of selecting the wireless network which provides the best quality with competitive price.

Regarding claim 38, Kacel discloses in a remote device (fig. 1, NAD 125 and see [0030]) a method of integrating a personal communication system (fig. 1, system 100), comprising:

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accessing a telematics device via the remote device (fig. 1, NAD 125 and see [0030]) utilizing a service requesting entity (fig. 1, module 130-134 and [0029]-[0030]), wherein the telematics device comprises a service providing entity [0009], wherein the telematics device exchanges data with at least one vehicle system ([0008] and [0031]), and wherein the telematics device is accessed to exchange data with the at least one vehicle system ([0008] and [0031]); and

accessing the telematics device via the remote device (fig. 1, NAD 125 and see [0030]) utilizing the service requesting entity to exchange data with the service providing entity. Kacel further describes that the remote device (125) enables the telematics device (120) to access one or more wireless communication networks [0030].

But, Kacel does not particularly show selecting between a first wireless network protocol and a second wireless network protocol to access the telematics device. However, Vazvan et al. teach a price-quality selection which is integrated in a wireless device and the user can have the possibility of selecting the most advantageous communication in areas where there are two or more wireless networks available (col. 6, lines 26-39). Since, Kacel and Vazvan et al. are related to the method for the wireless device communicating to one or more wireless communication networks; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kacel by specifically having a selection being made between first wireless network protocol and second wireless network protocol as taught by Vazvan et al. for purpose of selecting the wireless network which provides the best quality with competitive price.

Regarding claim 55, Kacel discloses a computer-readable medium containing computer instructions for instructing a processor to perform in a remote device (fig. 1, NAD 125 and see [0039]), a method of integrating a personal communications system (fig. 1, system 100), the instructions comprising:

accessing a telematics device via the remote device (fig. 1, NAD 125 and see [0030]) utilizing a service requesting entity (fig. 1, module 130-134 and [0029]-[0030]), wherein the telematics device comprises a service providing entity [0009], wherein the telematics device exchanges data with at least one vehicle system ([0008] and [0031]), and wherein the telematics device is accessed to exchange data with the at least one vehicle system ([0008] and [0031]); and

accessing the telematics device via the remote device (fig. 1, NAD 125 and see [0030]) utilizing the service requesting entity to exchange data with the service providing entity. Kacel further describes that the remote device (125) enables the telematics device (120) to access one or more wireless communication networks [0030].

But, Kacel does not particularly show selecting between a first wireless network protocol and a second wireless network protocol to access the telematics device. However, Vazvan et al. teach a price-quality selection which is integrated in a wireless device and the user can have the possibility of selecting the most advantageous communication in areas where there are two or more wireless networks available (col. 6, lines 26-39). Since, Kacel and Vazvan et al. are related to the method for the wireless device communicating to one or more wireless communication networks; therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kacel by specifically having a selection being made between first wireless network protocol and second wireless network protocol as taught by Vazvan et al. for purpose of selecting the wireless network which provides the best quality with competitive price.

Regarding claim 2, Kacel and Vazvan et al. disclose the system as recited in the rejection of claim 1. Kacel further discloses wherein the service requesting entity is an application [0032].

Regarding claim 3, Kacel and Vazvan et al. disclose the system as recited in the rejection of claim 1. Kacel further discloses wherein the service requesting entity is distributed between the telematics device and the remote device [0028].

Regarding claims 4, 22, 39 and 56, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further describe wherein when the first wireless network protocol is selected the remote device via a communications node (obviously to structure of GSM or DCS 1800 network; see col. 7, lines 40-43), and wherein when the second wireless network protocol is selected the remote device over a wireless local area network (col. 7, lines 38-40).

Regarding claims 5, 23, 40 and 57, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further disclose wherein the remote device can, during a communication session, alternate between wirelessly communicating with a communications node (obviously to structure of GSM or DCS 1800 network; see col. 7, lines 40-43) utilizing the first wireless network protocol, and wirelessly communicating with the communications node by using the second network protocol (col. 7. line 25-48). But, Vazvan et al. fail to expressly teach the telematics device using the first wireless network protocol to communicate with the communications node. However, Kacel teaches the telematics device using the first wireless network protocol to communicate with the communications node (fig. 1 and see [0034]).

Regarding claims 6, 24, 41 and 58, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further disclose wherein the service requesting entity selects between the first wireless network protocol and the second wireless network protocol (col. 7, lines 25-48).

Regarding claims 7, 25, 42 and 59, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further disclose wherein a user selects between the first wireless network protocol and the second wireless network protocol (col. 6, lines 56-59).

Regarding claims 8, 26, 43 and 60, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further disclose wherein the remote device selects between the first and second wireless protocols to optimize a wireless network protocol variable (col. 6, lines 26-39).

Regarding claims 9, 27, 44 and 61, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further describe that the remote device attempts to communicate with the first wireless network protocol (terrestrial system), and wherein if the remote device is unable to communicate with the first wireless network protocol then the second wireless network protocol (satellite system) is utilized (col. 3, lines 40-52).

Regarding claims 10, 28, 45 and 62, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Vazvan et al. further describe that the remote device attempts to communicate with the second wireless network protocol (terrestrial system), and wherein if the remote device is unable to communicate with the second wireless network protocol then the first wireless network protocol (satellite system) is utilized (col. 3, lines 40-52).

Regarding claim 11, Kacel and Vazvan et al. disclose the system as recited in the rejection of claim 1. Vazvan et al. further disclose wherein the first wireless network protocol is a wide area network protocol, and wherein the second wireless network

interface is a wireless local area network protocol (col. 7, lines 38-43).

Regarding claims 12, 29, 46 and 63, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Kacel further discloses wherein in exchanging data the remote device is utilized to access and configure the telematics device in at least one vehicle [0030]-[0031].

Regarding claims 13, 30, 47 and 64, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Kacel further discloses wherein in exchanging data the remote device is utilized to access and configure the at least one vehicle system and the service providing entity in at least one vehicle [0032]-[0033].

Regarding claims 18, 35, 52 and 69, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Kacel further discloses wherein a relative position of the vehicle to the remote device is communicated to the remote device utilizing a position of the telematics device and a position of the remote device and at least one of the first wireless network protocol and the second wireless network protocol [0039].

Regarding claims 19, 36, 53 and 70, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Kacel

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further discloses wherein a position of the vehicle is communicated to the remote device utilizing the position of the telematics device and at least one of the first wireless network protocol and the second wireless network protocol [0039].

Regarding claims 20, 37, 54 and 71, Kacel and Vazvan et al. disclose all limitations as recited in the rejections of claims 1, 21, 38 and 55 respectively. Kacel further discloses wherein when the second wireless network protocol is selected the remote device communicates with the telematics device via a second wireless network gateway (fig. 2, communication network 230 and see [0041].

Allowable Subject Matter

2. Claims 14-17, 31-34, 48-51 and 65-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 14-17, 31-34, 48-51 and 65-68, the applied references fail to disclose or render obvious the claimed limitations that the communications system further comprises a user profile, wherein a user is registered to the telematics device via the user profile, and wherein the remote device is registered to the telematics device, and wherein only if the user and the remote device are registered to the telematics device can the user access the telematics device and the at least one vehicle system and the service providing entity via the telematics device; and the communications

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system further comprises a user profile, wherein the user profile is registered to the telematics device, and wherein the user profile controls which of the first wireless network protocol and the second wireless network protocol is permitted to access the telematics device.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Shay (US-2003/0120826) discloses a telematic domain of communication network.
- b) Nietupski et al. (US-2002/0140545) disclose a telematic system.
- c) Dye (US-2003/0134614) discloses a method for communicating with one or more wireless systems.
- d) Dudek et al. (US-2002/0165789) disclose a method for mobile application services.
- e) Tennison et al. (US-6,522,844) disclose a method for selecting a communication network.
- f) Goto et al. (US-2003/0225668) disclose a method for acquiring traffic data.
- g) Sundar et al. (US-2003/0134636) disclose a method for selecting a wireless network.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Phan, Huy Q.

AU: 2687

Date: Oct. 15, 2004


SONNY TRINH
PRIMARY EXAMINER